

SUMMARY OF THE OFFICE ACTION

Drawings

Objection has been made to the drawings as informal so that they are acceptable only for examination. Formal drawings will be submitted when the application is allowed.

Specification

Objection has been made to the specification as failing to provide proper antecedent for the method step of expanding the rest member "in association with a recliner" as recited in dependent claim 12. To overcome this objection, "recliner" has been replaced by "bed".

Claim Objections

Objection has been made to claims 8, 19, 21, and 35 as containing informalities for which appropriate correction is required. The corrections required by the Examiner have been made.

Claim Rejections – 35 U.S.C. § 112

Claims 7, 8 and 12 have been rejected as indefinite. The required corrections have been made.

Claim Rejections – 35 U.S.C. § 102

Claims 1-6, 11, 13, 14, 16, 31, 34 and 35 have been rejected as being anticipated by U.S. 5,461,736 to Carpenter, et al. (Carpenter '736). This rejection has been overcome by the amendments made to claims 1, 11, 16, and 31.

Claims 1-11, 13-20, 31, 34 and 35 have been rejected as being anticipated by U.S. 5,669,086 to Garman (Garman '086). This rejection has been overcome by the amendments made to claims 1, 11, 16, and 31.

Claims 1-35 have been rejected as anticipated by U.S. 5,651,149 to Garman (Garman '149). This rejection has been overcome by the amendments made to claims 1, 11, 16, 21, and 31.

REMARKS

Carpenter '736 discloses a portable hydraulic lift step stool for raising handicapped patients to an elevated location. The specific lifting mechanism is a

hydraulic jack. By contrast, for the invention, the claims in issue have been amended to the unique characteristics of applicant's means for expanding his expandable member.

Garman '086 discloses a mobile lifting device on wheels, castors, or rollers with a stack of inflatable bags for raising a seat or platform. Once again, the specific lifting mechanism is a hydraulic jack which functions in an entirely different manner than the bellows mechanism, and equivalence, employed by the invention.

Garman '149 discloses a slider (11) for transferring disabled horizontally to an adjacent supporting surface by using a cable winch (10) that is attached to the adjacent supporting surface. Again, the specific lifting mechanism is a hydraulic jack.

In amended claim 1, applicant's expanding means provides upward and forward motion which cannot be achieved by a hydraulic jack. In amended claim 11, the expansion of the rest member is to an inclined elevation, as opposed to the non-inclined elevation provided by a hydraulic jack. In amended claim 16, the provided platform is pivotal as opposed to the non-pivotal platforms of the cited art. In amended claim 21, the system assists a person into adopting a reclined position from a sitting position and in claim 31, the seated person has a lower limb elevated with the person remaining seated. These method steps are not taught in the cited art.

Claims 2-10 define further features of amended claim 1 and distinguish over the cited references alone by virtue of their dependence on claim 1.

Claims 12-16 define further features of amended claim 11 and distinguish over the cited references alone by virtue of their dependence on claim 11.

Claims 17-20 define further features of amended claim 16 and distinguish over the cited references alone by virtue of their dependence on claim 16.

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Claims 22-30 define further features of amended claim 21 and distinguish over the cited references alone by virtue of their dependence on claim 21.

Claims 32-35 define further features of amended claim 31 and distinguish over the cited references alone by virtue of their dependence on claim 31.

CONCLUSION

Applicant respectfully submits that the rejection of the claims under § 102 is inappropriate because applicant's claims all contain specific limitations that are not found in any of the cited references.

Respectfully submitted,

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MARKED-UP CLAIMS

Please amend the claims as follows:

1. (amended) Apparatus for supporting a body part, comprising:
a rest member for said body part;
an expandable member associated with said rest member; and
means for expanding said expandable member upwardly and forwardly with said body part on said rest member.
2. (amended) Apparatus as defined in claim 1 further including an auxiliary surface associated therewith.
7. (amended) Apparatus as defined in claim 1 wherein said expandable member is selected from the class consisting of bellows[,] and scissors mechanisms [and related devices].
8. (amended) Apparatus as defined in claim 7 wherein said [bellows] expandable member is adhered to said platform.
11. (amended) The method of supporting a body part for transfer, comprising the steps of:
 - (a) positioning said body part on a rest member;
 - (b) expanding said rest member to an inclined elevation with said body part supported thereon; and
 - (c) transferring said body part from said rest member.
12. (amended) The method of claim 11 further including the step of expanding said rest member in association with a [recliner] bed.
16. (amended) The method of fabricating apparatus for supporting a body part comprising the steps of:
 - (a) providing a pivotal platform configured to said body part; and
 - (b) associating an expandable member with said platform.
19. (amended) The method of claim 18 further including the step of providing a valve for inflating said [expandable member] bellows.
21. (amended) A system for assisting a person[s] having a lower limb into adopting a reclined position [form] from a sitting position, comprising a surface upon which a person is to recline; and means for transferring the person to said surface, comprising means for elevating [a] said lower limb of said person to a level permitting the transfer of said person to said surface with said lower limb in a reclined position.
31. (amended) A method for assisting seated persons into adopting a reclined position on an elevated surface comprising the steps of:

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- (a) Positioning a seated person's lower limb on means for elevating said lower limb;
 - (b) Elevating said lower limb with said person remaining seated; and
 - (c) Transferring said elevated lower limb to [said] an elevated surface.
35. (amended) A method as defined in claim 34 wherein said [disabled] lower limb is transferred to said elevated surface such that said person can adopt a reclined position.